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PTO/SB/64 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

 Docket Number (Optional)  
506612000103

First named inventor: Jay WOHLGEMUTH

Application No: 10/512,028

Art Unit: 3700

Filed: April 24, 2003

Examiner: Not Yet Assigned

 Title: **METHODS AND COMPOSITIONS FOR DIAGNOSING AND MONITORING AUTO  
IMMUNE AND CHRONIC INFLAMMATORY DISEASES**

 MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

 NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.

 The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration  
date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☒ Small entity – fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status.  
See 37 CFR 1.27.

☐ Other than small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

## 2. Reply and/or fee

 A. The reply and/or fee to the above-noted Office action in  
the form of \_\_\_\_\_ (identify type of reply):

☐ has been filed previously on \_\_\_\_\_

☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_

☐ has been paid previously on \_\_\_\_\_

☐ is enclosed herewith.

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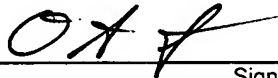
3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

December 8, 2006

Date

Otis Littlefield

Typed or printed name

48,751

Registration Number, if applicable

MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482

Address

(415) 268-6846

Telephone Number

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

Page 2 of 2

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV790048105US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 8, 2006

Signature: 

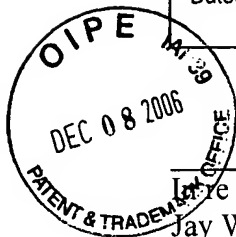
(Valerie Cohen)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV790048105US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 8, 2006

Signature: Valerie Cohen  
(Valerie Cohen)

Docket No.: 506612000103  
(PATENT)



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inter Patent Application of:  
Jay WOHLGEMUTH et al.

Application No.: 10/512,028

Confirmation No.: 2263

Filed: April 24, 2003

Art Unit: 3700

For: METHODS AND COMPOSITIONS FOR  
DIAGNOSING AND MONITORING AUTO  
IMMUNE AND CHRONIC INFLAMMATORY  
DISEASES

Examiner: Not Yet Assigned

**STATEMENT UNDER 37 C.F.R. 1.137(b) FOR REVIVAL OF AN APPLICATION FOR  
PATENT ABANDONED UNINTENTIONALLY**

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Statement is hereby submitted in support of the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Petition) filed on even date herewith.

A Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures (Notice) dated February 15, 2006 was mailed to this office and received by this office in a timely manner. Applicants inadvertently failed to reply to this Notice by the deadline of September 15, 2006. When Applicants did not respond to this Notice by the above-mentioned deadline, a Notification of Abandonment dated November 24, 2006 was issued.

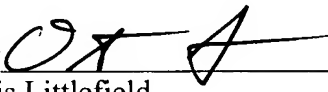
Applicants hereby submit a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) for failure to respond to the Notice. In addition to the filing of this Petition, Applicants enclose a Response to the Notice, along with the required Petition fee.

This submission has been promptly filed and made without intentional and deceptive intent.

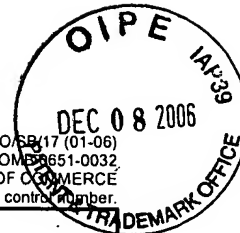
In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 506612000103. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: December 8, 2006

Respectfully submitted,

By   
Otis Littlefield

Registration No.: 48,751  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482  
(415) 268-6846



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Approved for use through 7/31/2006. PTO/SP-17 (01-06)  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
OMB 0651-0032

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL For FY 2006

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 750.00

### Complete if Known

Application Number	10/512,028
Filing Date	April 24, 2003
First Named Inventor	Jay WOHLGEMUTH
Examiner Name	Not Yet Assigned
Art Unit	3700
Attorney Docket No.	506612000103

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_  
☒ Deposit Account Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

### FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
				Fee (\$)
				Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)

HP = highest number of independent claims paid for, if greater than 3.

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 2453 Petition to revive unintentionally abandoned ...

750.00

#### SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	48,751	Telephone	(415) 268-6846
Name (Print/Type)	Otis Littlefield	Date	December 8, 2006		